

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

1. **PAUL HANBY**; and,
2. **MAUREEN HANBY**,

Plaintiffs,

v.

Case Number: CIV-17-1137-HE

1. **DODSON TRUCKING**; and,
2. **DAVID DODSON**,

Defendants.

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**C O M P L A I N T**

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Plaintiffs, for their claims, state:

**JURISDICTION & VENUE**

1. Plaintiff, Paul Hanby, is a citizen of the country of England.
2. Plaintiff, Maureen Hanby, is a citizen of the country of England.
3. Defendant, Dodson Trucking, is an Iowa corporation and has its principal place of business in Iowa.
4. Defendant, David Dodson, is a citizen of the State of Iowa.
5. Complete diversity exists between Plaintiffs and Defendants.
6. The amount in controversy, exclusive of costs and interests, exceeds \$75,000.00
7. Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1332.
8. Venue in this District is proper pursuant to 28 U.S.C. § 1391 as it is the location in which a substantial part of the events giving rise to the claim occurred.

**STATEMENT OF THE CASE**

9. On July 2, 2016, Plaintiffs, Paul Hanby and Maureen Hanby, were operating a vehicle in a westerly direction on I-40 near Westbound Mile Marker 26 in the City of Sayre, Beckham County, State of Oklahoma, when they were struck by a vehicle driven by Defendant, David Dodson, and owned by Defendant, Dodson Trucking, as his trailer unlawfully crossed the center line and struck Plaintiffs' vehicle. The collision resulted in the damages as set forth below.
10. As a result of the collision with Defendant's vehicle, Paul Hanby and Maureen Hanby were injured as set forth below.
11. The injuries to Plaintiffs were the result of the negligence of Defendants in the ownership, operation and use of their vehicle.
12. The injuries to Plaintiffs were also the result of the negligence of Defendant, Dodson Trucking, in hiring, training and entrusting its vehicle to David Dodson.
13. Plaintiffs were fault-free in the collision and did not cause or contribute to the injuries they sustained in the collision.
14. At the time of the collision, David Dodson was an agent, servant and employee of Defendant rendering it vicariously liable for his conduct.
15. The injuries to Plaintiffs were the result of Defendants' violation of state statutes and the Federal Motor Carrier Safety Regulations rendering Defendants *negligent per se* for their conduct.

16. Defendants have a non-delegable duty to safely operate and maintain their vehicle and a non-delegable duty to prevent unsafe vehicles from traveling on public roadways.
17. At the time of the collision, Defendant, Dodson Trucking, was an interstate motor carrier operating in the State of Oklahoma.
18. As a result of Defendants' conduct, Paul Hanby has suffered severe, permanent, and irreversible physical injuries; has suffered, and will continue to suffer, mental and emotional pain and anguish; has incurred, and will continue to incur, medical bills; has lost, and will continue to lose, income; has suffered an impaired ability to earn future earnings; has suffered, and will continue to suffer, a reduction of his quality of life; has suffered damage to the loss of services, society, companionship, support of his spouse; and, has been damaged in an amount in excess of \$75,000.00 exclusive of interest, attorneys' fees and costs.
19. As a further result of Defendants' conduct, Maureen Hanby, spouse of Paul Hanby, has suffered severe, permanent, and irreversible physical injuries; has suffered and will continue to suffer, mental and emotional pain and anguish; has incurred, and will continue to incur, medical bills; has lost, and will continue to lose, income; has suffered and impaired ability to earn future earnings; has suffered, and will continue to suffer, a reduction of her quality of life; has suffered damage to the loss of services, society, companionship, support of her spouse; and, has been damaged in an amount in excess of \$75,000.00, exclusive of interest, attorneys' fees, and costs.

20. Plaintiffs further state that Defendants' conduct was reckless and done intentionally with malice towards others, including Plaintiffs, and that punitive damages should be assessed against each Defendant, and in favor of Plaintiffs, in an amount in excess of \$75,000.00.

**WHEREFORE**, Plaintiffs prays judgment against Defendants each in an amount in excess of \$75,000.00, plus costs, interest, attorneys' fees and any other relief the Court deems equitable and just.

Respectfully submitted,

s/ Darren M. Tawwater

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Darren M. Tawwater, OBA No. 18854

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**ATTORNEYS FOR PLAINTIFFS**

**JURY TRIAL DEMANDED**

**ATTORNEYS' LIEN CLAIMED**